



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

AUG 03 2006

REPLY TO THE ATTENTION OF

(AE-17J)

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Robert Heslop  
Sturgis Iron and Metal Co , Inc  
South Bend Scrap & Processing Division  
1305 Prairie Ave  
South Bend, Indiana 46613

**Re: Finding of Violation, Sturgis Iron and Metal Co.,  
Inc., South Bend Scrap and Processing Division, South  
Bend, Indiana**

Dear Mr Heslop

The United States Environmental Protection Agency (U S EPA) is issuing the enclosed Finding of Violation (FOV) to Sturgis Iron and Metal Co , Inc , South Bend Scrap and Processing Division (you) We find that you have violated Section 112 of the Clean Air Act, 42 U S C § 7412, at your South Bend, Indiana facility

We have several enforcement options under Section 113(a)(3) of the Clean Air Act, 42 U S C § 7413(a)(3) These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil or criminal action The options we select may depend on, among other things, the length of time you take to achieve and demonstrate continuous compliance with the rules cited in the FOV

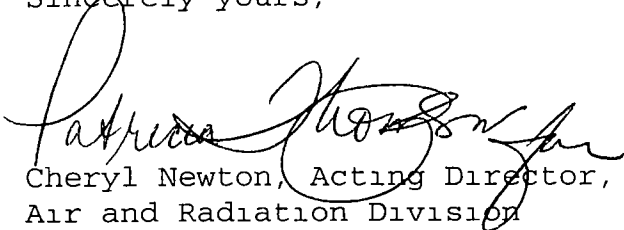
We are offering you an opportunity to confer with us about the violations alleged in the FOV The conference will give you the opportunity to present information on the specific findings of violation, the efforts you have taken to comply, and the steps you will take to prevent future violations

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance

measures and commitments You may have an attorney represent you at this conference

The U S EPA contact in this matter is Rodrigo Valle You may call him at (312) 886-1474 to request a conference You should make the request as soon as possible, but no later than 10 calendar days after you receive this letter We should hold any conference within 30 calendar days of your receipt of this letter

Sincerely yours,



Cheryl Newton, Acting Director,  
Air and Radiation Division

Enclosure

cc Jacqueline Moore, IDEM

United States Environmental Protection Agency  
Region 5

<u>IN THE MATTER OF:</u>	)	
	)	FINDING OF VIOLATION
Sturgis Iron and Metal Co ,	)	
Inc	)	EPA-5-06-26-IN
South Bend, Indiana	)	
	)	
	)	
Proceedings Pursuant to	)	
the Clean Air Act,	)	
42 U S C §§ 7401 <u>et seq</u>		

**FINDING OF VIOLATION**

The United States Environmental Protection Agency (U S EPA) finds that Sturgis Iron and Metal Co , Inc (Sturgis) is violating Section 112 of the Clean Air Act, 42 U S C § 7412 . Specifically, Sturgis is violating the National Emission Standards for Hazardous Air Pollutants (NESHAP) General Provisions at 40 C F R Part 63, Subpart A (Subpart A) and the NESHAP for Secondary Aluminum Production at 40 C F R Part 63, Subpart RRR (Subpart RRR) as follows

**Regulatory Authority**

- 1 Subpart RRR, at 40 C F R § 63 1500, applies to the owner or operator of each secondary aluminum production facility as defined in § 63 1503
- 2 Subpart RRR, at 40 C F R § 63 1503, defines a sweat furnace as a furnace used exclusively to reclaim aluminum from scrap that contains substantial quantities of iron by using heat to separate the low-melting point aluminum from the scrap while the higher melting-point iron remains in solid form

**Requirements for Emission Limitation  
and Compliance Performance Testing**

- 3 Subpart RRR, at 40 C F R § 63 1505(a), requires an owner or operator of a new or existing affected source to comply with each applicable limit in this section
- 4 Subpart RRR, at 40 C F R § 63 1505(f), specifies that the owner or operator of a sweat furnace shall comply with the emission standard of paragraph (f)(2) of this section, which specifies that on and after March 24, 2003, the compliance date established by 40 C F R § 63 1501, the owner or operator of a sweat furnace at a secondary aluminum production facility that is a major or area source must not discharge or cause to be discharged to the atmosphere emissions in excess of 0.80 nanogram of D/F [dioxins/furans] TEQ per dscm ( $3.5 \times 10^{-10}$  gr per dscf) at 11 percent oxygen. This section also indicates that compliance with the standard shall be demonstrated through a performance test.
- 5 Subpart RRR, at 40 C F R § 63 1511(a), specifies that the owner/operator must submit a site-specific test plan prior to conducting any performance testing.
- 6 Subpart RRR, at 40 C F R § 63 1511(b), specifies that the owner or operator of any existing affected source for which an initial performance test is required to demonstrate compliance must conduct this initial performance test no later than March 24, 2003, the date for compliance established by 40 C F R § 63 1501(a).
- 7 Subpart RRR, at 40 C F R § 63 1512(f), specifies that except as provided in 40 C F R § 63 1505(f)(1), the owner or operator of a sweat furnace must measure emissions of D/F from each sweat furnace at the outlet of the control device.

**Requirements for Operation of a Sweat Furnace  
with an Afterburner**

- 8 Although Subpart RRR, at 40 C F R § 63 1505(f), requires the owner or operator of a sweat furnace to comply with the emission standard of paragraph (f)(2) of this section, and

conduct a performance test to demonstrate compliance with the standard, Subpart RRR at 40 C F R § 63 1505(f)(1) provides that the owner or operator is not required to conduct a performance test to demonstrate compliance with the emission standard of paragraph (f)(2) of this section provided that, on and after the compliance date of this rule, the owner or operator operates and maintains an afterburner with a design residence time of 0.8 seconds or greater and an operating temperature of 1600°F or greater

#### **Requirements for Monitoring of Sweat Furnaces**

- 9 Subpart RRR, at 40 C F R § 63 1510(a), specifies that on and after the compliance date established by 40 C F R § 63 1501, the owner or operator of a new or existing affected source or emission unit must monitor all control equipment and processes according to the requirements in 40 C F R § 63 1510
- 10 Subpart RRR, at 40 C F R § 63 1510(b), specifies that the owner or operator must prepare and implement for each new or existing affected source and emission unit, a written operation, maintenance, and monitoring plan, which must be submitted to the permitting authority by the compliance date established by 40 C F R § 63 1501(a) and must include the information specified by 40 C F R § 63 1510(b)

#### **Other Requirements for Owners or Operators of Sweat Furnaces**

- 11 Subpart RRR, at 40 C F R § 63 1515(b), specifies that each owner or operator of an existing affected source must submit a notification of compliance status report within 60 days after the compliance date established by 40 C F R § 63 1501(a), according to the requirements of this section
- 12 Subpart RRR, at 40 C F R § 63 1516(a), specifies that each owner or operator must develop and implement a written plan as described in this section and 40 C F R § 63 6(e)(3), containing specific procedures to be followed for operating and maintaining the source during periods of startup, shutdown, and malfunction, and including corrective actions to address malfunctions

- 13 Subpart RRR, at 40 C F R § 63 1517(a), specifies that as required by 40 C F R § 63 10(b), the owner or operator shall maintain files of all information, including all reports and notifications, required by the general provisions of Subpart A and this subpart

### **Sturgis Facility**

- 14 Sturgis owns and operates a scrap yard (South Bend Scrap and Processing Division) at 3113 South Gertrude Street, South Bend, Indiana, that meets the definition of a Secondary Aluminum Production facility, as defined in Subpart RRR
- 15 Sturgis' South Bend facility is subject to the requirements at 40 C F R Part 63, Subparts A and RRR
- 16 Sturgis' South Bend facility is an existing source, and is, thus, subject to the time frames set forth in 40 C F R § 63 1501
- 17 Sturgis operates one sweat furnace which is subject to the emissions standards and other requirements of Subpart RRR
- 18 Sturgis operated this sweat furnace, which is subject to emissions standards, with an afterburner

### **Violations**

#### **Violations Regarding Performance Testing for a Sweat Furnace**

- 19 Sturgis violated 40 C F R §§ 63 1511(b) when it failed to conduct an initial performance test at its sweat furnace, by March 24, 2003, to demonstrate that it met the emission standard for D/F, as specified in 40 C F R § 63 1505(f)(2)

#### **Violations Regarding the Operation of a Sweat Furnace with an Afterburner**

- 20 Sturgis violated 40 C F R § 63 1506(h) when it operated a sweat furnace with an afterburner, and failed to maintain

an operating temperature established by performance testing, or a temperature above 1600°F if a performance test was not conducted

- 21 Sturgis violated 40 C F R § 63 1510(g) when it operated a sweat furnace with an afterburner, and failed to monitor and record afterburner temperature and conduct afterburner inspections

#### Monitoring Violations

- 22 Sturgis violated 40 C F R § 63 1510(a) when, as the owner or operator of an existing affected source or emission unit, it failed to monitor all control equipment and processes
- 23 Sturgis violated 40 C F R § 63 1510(d) when it failed to inspect each capture/collection system for its sweat furnace once a year and record the results

#### Notification, Reporting, and Recordkeeping Violations

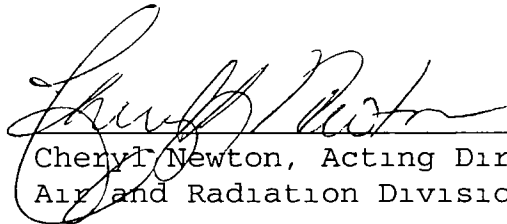
- 25 Sturgis violated 40 C F R § 63 1515(b) when it failed to submit a notification of compliance status within 60 days of the March 24, 2003, compliance date
- 26 Sturgis violated 40 C F R § 63 1517(a) when, as required by 40 C F R § 63 10(b), it failed to maintain files of all information, including all reports and notifications, required by the general provisions of Subparts A and RRR

#### Violations Regarding Plans

- 27 Sturgis violated 40 C F R §§ 63 1510(b), 63 1517(a), and 63 10(b) when it failed to prepare, implement, and maintain a written operation, maintenance, and monitoring plan, as described at 40 C F R § 63 1510(b)

- 28 Sturgis violated 40 C F R §§ 63 1516(a), 63 1517(a), and 63 6(e)(3) when it failed to develop, implement, and maintain a written startup, shutdown, and malfunction Plan

8/2/06  
Date

  
Cheryl Newton, Acting Director,  
Air and Radiation Division



CERTIFICATE OF MAILING

I, Betty Williams, certify that I sent a Finding of Violation, No EPA-5-06-26-IN, by Certified Mail, Return Receipt Requested, to

Robert Heslop  
Sturgis Iron and Metal Co , Inc  
South Bend Scrap & Processing Division  
1305 Prairie Avenue  
South Bend, Indiana 46613

I also certify that I sent copies of the Finding of Violation by first class mail to

David McIver, Chief  
Office of Enforcement Air Section  
Indiana Department of Environmental Management  
100 North Senate Avenue  
Indianapolis, Indiana 46206-2251

on the 4 day of AUG, 2006



Betty Williams, Secretary  
AECAS, (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER 7001 0320 0005 8919 3109

standard bcc's      official file copy w/ attachment(s)  
Branch reading file w/ attachment(s)

other bcc's      Kathleen Schnieders, ORC

Creation Date    August 1, 2006	
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